RESERVED

Writ Petition No. 640 (M/B) of 2002

Km. Kala Manral…… Petitioner

Versus

State of Uttaranchal
and others …….. Respondents

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Hon. Irshad Hussain, J.
Hon. M.M. Ghildiyal, J.

(Delivered by Hon'ble M.M. Ghildiyal, J.)

The petitioner has prayed for issue of writ of mandamus directing the respondents to include the name of the petitioner in the select list for B.Ed course for the academic session 2002-2003.

The petitioner is a blind and holds handicapped certificate issued by the competent authority. She applied in entrance test to the course of B.Ed in Kumaon University for academic session 2002-2003 in pursuance to the advertisement issued by the respondents in February 2002. The result of the said entrance examination was declared on 9.9.2002. The petitioner could not find place in the select list and as such has filed the present petition on the ground that though there is 3 per cent reservation for the handicapped she was not considered against the handicapped quota and was not selected.

Heard Sri D.S.Patni learned counsel for the petitioner and Sri B.D.Upadhyaya, learned counsel for the respondents.

The respondents have filed counter affidavit. In paragraph no.8 of the counter affidavit it is submitted that there were 270 seats available for B.Ed course out of which 5% seats (13 seats) were reserved for the candidates outside of the State. Out of remaining 257 seats 200 seats were earmarked for the art and commerce category. 19% seats (38 seats) were reserved for Scheduled Castes. 14% (28 seats) for O.B.C. and 4% (8 seats) were reserved for scheduled tribe candidates. Thus the total seats available for general category candidates in general art and commerce category were 126. The petitioner being a general candidate and comes in general arts and commerce category.

Reservation of 3% provided to the handicapped/disabled persons in horizontal and as such out of 126 seats four seats go to the

handicapped/disabled persons for the general candidates in general arts and commerce category. The respondents have further submitted that four seats have been filled up from amongst the handicapped/disabled persons according to merit. The persons who have been given admission under this quota have obtained higher marks than the petitioner. The petitioner has obtained 192 marks whereas the last person admitted in B.Ed. course under this category had obtained 223 marks. It has further been submitted by the respondents that under this very quota there are seven candidates who have obtained more marks than the petitioner but could not be admitted because they were lower in merit. There was no occasion to include the name of the petitioner in the select list for admission ink B.Ed course. No other ground was pressed by the learned counsel for the petitioner.

For the reasons stated above the petition lacks merit and is dismissed accordingly. No order as to costs.

(Irshad Hussain, J.) **(M.M. Ghildiyal, J.)**

April 2, 2003
MPS